

**Submission to the Committee on the Elimination of Discrimination against Women
Review of South Sudan's periodic report for the 80th Session
September 2021**

We write in advance of the 80th session of the Committee on the Elimination of Discrimination against Women and its review of South Sudan's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Since South Sudan's civil war began in 2013, both government and opposition forces have committed widespread atrocity crimes against women and girls, including unlawful killings, torture and other ill-treatment, recruitment and use of girls in their armed forces, rape, and other forms of sexual violence.¹ The 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS)² and the 2018 Revitalized ARCSS³ provide for three important mechanisms to deal with human rights violations arising from the conflict as well as past abuses in South Sudan: the Commission for Truth, Healing and Reconciliation, the Hybrid Court for South Sudan, and the Compensation and Reparations Authority.⁴ To date, none of these mechanisms has been established.

1. Abduction of Women and Girls (Article 6)

Abductions and other abuses have been committed by government and opposition forces and other armed groups since the outbreak of war in December 2013. There are a myriad of reasons, or rather incentives, that drive this practice, including to bolster sizes and ranks of armed groups, free and forced labor, and sexual exploitation.

Between April and August 2018, the Sudan People's Liberation Movement/Army-in-Opposition (SPLM/A-IO) under First Vice President Riek Machar and the government's Sudan People's Liberation Army (SPLA) reportedly abducted over 887 civilians, including 63 girls, in a series of attacks.⁵ Other armed groups such as the National Salvation Front (NAS) also abducted women and girls.⁶

¹ Nyagoah Tut Pur, "South Sudan's Arms Embargo Flouted," commentary, Human Rights Watch dispatch, May 8, 2019, <https://www.hrw.org/news/2019/05/08/south-sudans-arms-embargo-flouted>; Human Rights Watch, "We Can Die Too": Recruitment and Use of Child Soldiers in South Sudan, December 14, 2015, <https://www.hrw.org/report/2015/12/14/we-can-die-too/recruitmentand-use-child-soldiers-south-sudan>; Human Rights Watch, "South Sudan: Government Forces Abusing Civilians," June 4, 2019, <https://www.hrw.org/news/2019/06/04/south-sudan-government-forces-abusing-civilians>.

² Intergovernmental Authority on Development, Agreement on the Resolution of the Conflict in the Republic of South Sudan, Addis Ababa, Ethiopia, August 17, 2015, http://www.sudantribune.com/IMG/pdf/final_proposed_compromise_agreement_for_south_sudan_conflict.pdf (accessed November 10, 2020).

³ Intergovernmental Authority on Development, Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R - ARCSS), Addis Ababa, Ethiopia, September 12, 2018, <https://www.dropbox.com/s/6dn3477q3f5472d/R-ARCSS.2018-i.pdf?dl=0> (accessed November 10, 2020).

⁴ "Q&A: Justice for War Crimes in South Sudan," Human Rights Watch, August 24, 2020, <https://www.hrw.org/news/2020/08/24/qajustice-war-crimes-south-sudan>.

⁵ UNMISS and Office of the United Nations High Commissioner for Human Rights (OHCHR), "Violation and Abuses Against Civilians in Gbudue and Tambura States (Western Equatoria) April-August 2018," 2018, <https://unmiss.unmissions.org/sites/default/files/reportwesternequatoria17oct2018.pdf> (accessed October 20, 2020).

⁶ Ibid., paras. 30, 31, 35-36; Human Rights Watch, "South Sudan: Government Forces Abusing Civilians," June 4, 2019, <https://www.hrw.org/news/2019/06/04/south-sudan-government-forces-abusing-civilians>.

In 2020, the United Nations verified the abduction of six girls (and eleven boys) by NAS, SPLA-IO and the South Sudan People's Defence Forces. Four of the girls were subjected to sexual violence—and the case of one girl who was also recruited and used by an armed group.⁷

Statistics on the numbers of abducted women and girls held captive and who remain with armed groups are lacking. Many girls who were no longer part of armed groups told Human Rights Watch of their fear of being re-abducted.⁸ One girl who was abducted aged 15 during fighting in her village in Western Equatoria state and forced to be a secretary to a rebel commander, told Human Rights Watch how her former commander had searched for her several times since her release. To avoid re-abduction, her family moved her to another town. Furthermore, because sexual abuse is taboo, women can be reticent to tell their own stories.⁹

On January 30, 2020, the SPLM/A-IO released 78 women and 50 children to the United Nations. The UN announced that these were victims of abductions that they had documented in 2018.¹⁰ However, in mid-February, SPLM/A-IO commanders and fighters in Yambio threatened and harassed those who had facilitated releases and coerced all the women and children who were released back to their base in Lirangu, UN staff told Human Rights Watch.¹¹

In its January 2020 report, the Commission on Human Rights in South Sudan found that even as parties cantoned their forces, all sides were recruiting civilians including through abductions of women, girls and boys, and that this “exacerbated insecurity for women and girls, as the inadequate nature of cantonment and uncertainty over livelihoods for cantoned soldiers drove them to roam around civilian inhabited areas in search of food and water, rendering women and girls vulnerable to abuse.”¹²

In February 2021, the UN Mission in South Sudan found that community defense groups from the Dinka, Murle and Lou Nuer abducted 686 women and children between January and August 2020 during violence between the groups in parts of Jonglei and Greater Pibor Administrative area.¹³ The report also found that political and military leaders from government and opposition groups provided weapons and other support to the militias adding intensity and complexity to the violence.¹⁴ Though the UN has reported that 58 women and children were reunited with their families, an unknown number of women and children remains unaccounted for.¹⁵

Human Rights Watch encourages the Committee to ask the Revitalized - Transitional Government of National Unity:

⁷ United Nations Secretary-General, “Children and Armed Conflict,” S/2021/437, May 6, 2021.

⁸ “Freeing South Sudan's Captive Women and Girls,” Human Rights Watch news release, February 19, 2020, <https://www.hrw.org/news/2020/02/19/freeing-south-sudans-captive-women-and-girls>; Human Rights Watch, “South Sudan: Government Forces Abusing Civilians,” June 4, 2019, <https://www.hrw.org/news/2019/06/04/south-sudan-government-forces-abusing-civilians>

⁹ Ibid.

¹⁰ “Freeing South Sudan's Captive Women and Girls,” Human Rights Watch news release, February 19, 2020, <https://www.hrw.org/news/2020/02/19/freeing-south-sudans-captive-women-and-girls>

¹¹ Ibid.

¹² UN Human Rights Council, Report of the Commission on Human Rights in South Sudan, A/HRC/43/56, January 31, 2020, https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoHRSouthSudan/A_HRC_43_56.docx (accessed November 10, 2020), para. 49.

¹³ UNMISS and the OHCHR, “Armed Violence Involving Community based militias in Greater Jonglei, January-August 2020”, March 2021, <https://www.ohchr.org/Documents/Countries/SS/Jonglei-report.pdf> (accessed August 23, 2021), para 71-74.

¹⁴ Ibid, para 53-67.

¹⁵ UNMISS, “58 women and children are reunited with their families”, April 2, 2021, <https://unmiss.unmissions.org/58-abducted-women-and-children-are-reunited-their-families>, accessed August 23, 2021.

- What measures have the government and leaders from armed groups put in place to promptly investigate past abductions of women and children and to prevent future ones?
- What steps have been taken to trace and release women and girls that were re-abducted by the SPLA/IO in February 2020?
- Are there any formal processes or mechanisms in place to identify the fates and whereabouts of abducted women and girls and ensure their safe and unhindered return to their homes? If so, what are they, what groups or agencies are involved with them, and how do they operate? Are they trained in gender-sensitive investigations and responses?
- What services are available for women and girls who are released from captivity by armed groups?

Human Rights Watch recommends that the Committee asks South Sudan to:

- Ensure the army, the SPLA-IO, NAS, and other armed groups immediately release all civilians they have abducted.
- Ensure unrestricted access by the UN, ceasefire monitors, and relevant humanitarian partners to all government and opposition cantonment sites and military bases where abducted civilians including women and girls might be held.
- Ensure abducted civilians including women and girls who suffered sexual violence receive adequate remedies including immediate medical and psychological support, livelihood support, and full reparations.
- Ensure all those allegedly responsible for crimes committed are investigated and prosecuted, including those in positions of command, including through the establishment of the long-awaited Hybrid Court for South Sudan.
- Ensure that any formal processes or mechanisms in place to identify the fates and whereabouts of abducted civilians, and to ensure their safe and unhindered return to their homes, are gender-sensitive.
- Ensure that transitional justice processes in South Sudan effectively address the gendered causes and consequences of the conflict on women and girls, and actively involve them in such processes.
- Ensure that women and girls are involved in truth telling, receive reparations for the multiple harm they have suffered during the South Sudan conflict, and get justice.

2. Sexual and gender-based violence (Article 2)

Sexual violence—including rape, gangrape, sexual slavery, sexual exploitation, genital mutilation, and forced nudity, and other forms of gender-based violence are widespread in South Sudan.

Human Rights Watch, the UN, and national nongovernmental organizations have documented patterns of sexual violence against children by all armed groups, including rape of girls as young as 7 years.¹⁶ Seven of the eight South Sudanese individuals under UN sanctions are implicated in sexual violence, among other crimes.¹⁷

¹⁶ Ibid; Human Rights Watch, They burnt it all, destruction of villages killings and sexual violence in Unity State, <https://www.hrw.org/report/2015/07/22/they-burned-it-all/destruction-villages-killings-and-sexual-violence-unity-state>; Human Rights Watch, “South Sudan: Spate of Sexual Violence,” Human Rights Watch news release, December 18, 2018, <https://www.hrw.org/news/2018/12/18/south-sudan-spate-sexual-violence>

¹⁷ “Freeing South Sudan’s Captive Women and Girls,” Human Rights Watch news release, February 19, 2020, <https://www.hrw.org/news/2020/02/19/freeing-south-sudans-captive-women-and-girls>
UN Security Council, Situation in South Sudan - Report of the Secretary-General, S/2020/890, September 8, 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/S_2020_890_E.pdf (accessed November 10, 2020), para. 66; Also see UN Human Rights Council, Report of the Commission of Human Rights in South Sudan, A/HRC/43/56, January 31, 2020, https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoHRSouthSudan/A_HRC_43_56.docx (accessed November 23, 2020).

In 2020, the United Nations verified instances of rape and other forms of sexual violence against 17 girls, attributed to SPLA-IO, the South Sudan People's Defence Forces, NAS, and forces loyal to General Ochan.¹⁸

While the South Sudan government has set up a special court to address sexual and gender-based violence crimes and court martial to try officers, no senior officials from the government or from armed groups have been held to account to date for conflict related sexual violence and other abuses.¹⁹

Human Rights Watch encourages the Committee to ask the government of South Sudan:

- How many soldiers, including senior commanders, have been investigated or successfully prosecuted for rape and other sexual and gender-based violence against girls since the start of the conflict?
- What assistance, such as medical care and psychosocial support, has been given to victims of sexual violence and other gender-based crimes since the start of the conflict?

Human Rights Watch recommends that the Committee asks South Sudan to:

- Issue clear, public orders to all combatants to prevent and end all abuses, including sexual and gender-based violence, and investigate and prosecute all violations of such orders and other applicable law.
- Provide comprehensive assistance to child victims of sexual violence and other gender-based crimes, including medical and psychosocial rehabilitation.

Child Marriage (Article 16)

South Sudan has no clear minimum age of marriage to protect children.²⁰ According to UNICEF, 52 percent of South Sudanese girls between the ages of 15 and 18 are married, with some marrying as young as age 12.²¹ Child marriage in South Sudan has been exacerbated by the conflict and more recently by the Covid-19 pandemic. In September 2020, a South Sudanese civil society organization reported that since Covid-19 restrictions were imposed in April 2020, at least 1,535 girls were subjected to child marriages, pregnancies, and sexual exploitation in the states of Western, Eastern, and Central Equatoria.²²

South Sudan has committed to ending child marriage by the end of 2020 under the Ministerial Commitment on comprehensive sexuality education and sexual and reproductive health services for adolescents and young people in Eastern and Southern Africa.²³

¹⁸ United Nations Secretary-General, "Children and Armed Conflict," S/2021/437, May 6, 2021.

¹⁹ Shantha Rau Barriga, "A Plea to the UN to Address Sexual Violence in Conflict," commentary, Human Rights Watch Dispatch, April 16, 2021, <https://www.hrw.org/news/2021/04/16/plea-un-address-sexual-violence-conflict>

²⁰ Oxfam International, Born to be Married: Addressing early and forced marriage in Nyal, South Sudan, February 2019, https://assets.oxfamamerica.org/media/documents/Oxfam_Born_to_Be_Married_South_Sudan.pdf (accessed November 24, 2020); Human Rights Watch, This Old Man Can Feed Us, You Will Marry Him: Child and Forced Marriage in South Sudan, March 2013, <https://www.hrw.org/report/2013/03/07/old-man-can-feed-us-you-will-marry-him/child-and-forced-marriage-south-sudan>

²¹ "Some things are not fit for children – marriage is one of them," UNICEF news release, October 5, 2020, <https://www.unicef.org/southsudan/press-releases/some-things-are-not-fit-for-children> (accessed October 28, 2020).

²² Jokpa Mudia, "South Sudan: SPIDO Releases Child Marriage Report," Development Diaries, September 10, 2020, <https://www.developmentdiaries.com/2020/09/south-sudan-spido-releases-child-marriage-report/> (accessed November 10, 2020).

²³ UNESCO, Ministerial Commitment on comprehensive sexuality education and sexual and reproductive health services for adolescents and young people in Eastern and Southern African (ESA), Young People Today Initiative, 2013, <http://hivhealthclearinghouse.unesco.org/sites/default/files/resources/ESACCommitmentFINALAffirmedon7thDecember.pdf> (accessed November 10, 2020); "Our commitment: Giving girls in East and Southern Africa a voice and securing their future," Africa Renewal - the United Nations, November 4, 2020, <https://www.un.org/africarenewal/magazine/november-2020/our-commitment-giving-girls-east-and-southern-africa-voice-and-securing-their> (accessed November 10, 2020).

Human Rights Watch encourages the Committee to ask the government of South Sudan:

- What legal and programmatic steps are authorities in South Sudan taking to protect children from child marriage?
- Does the Ministry of Gender, Child, and Social Welfare keep records of child marriages across the country?
- What is the number of child marriages recorded in the country during the reporting period, broken down by gender?
- Do children currently in marriages have access to legal redress, including measures to annul the marriage and protect already married girls and their children?
- What steps are authorities in South Sudan taking to ensure that married girls, and girls who are pregnant or parenting, can continue formal education?
- What measures are authorities taking to mitigate the impact of Covid-19 on child marriage and girls' education.

Human Rights Watch recommends that the Committee asks South Sudan to:

- Develop legislation setting the minimum age of marriage at 18 for both boys and girls, and ensure its enforcement.
- Take measures to ensure that all girls, including those who are married, pregnant, or parenting, can continue with formal education and are supported to remain in school.
- Declare zero tolerance on child marriage, and prosecute people who commit acts of violence against girls who resist child marriages or women who seek to prevent them.
- Take steps to mitigate the gendered impacts of Covid-19 on women and girls, in particular in relation to increased genderbased violence and child and forced marriages.

3. Detention of Women and Girls (Article 2)

Human Rights Watch has documented scores of cases in which soldiers arbitrarily arrested and detained civilians, including women and children, and subjected them to ill-treatment and torture at National Security Service (NSS) detention sites in Juba – Blue House, Riverside, and Hai Jalaba – or in secret places, including homes, for hours and as long as four years. None of these places are legally authorized as detention sites.²⁴

Female detainees were often held in sub-standard conditions. There was often no water in the cell, and the women were allowed to leave to use the toilet only at fixed times. Female detainees did not have access to adequate health care or any specialized care for women—including feminine hygiene products. In one case from 2018, NSS agents held a pregnant woman for several months, without access to a doctor, releasing her shortly before she gave birth. One former inmate recalled, “She was getting sick; she was alone and there was no doctor. All of us, we felt sorry for her.”²⁵

Female detainees are at risk of sexual violence by both NSS officers and male detainees. Former male detainees held near a female cell told Human Rights Watch they overheard conversations which indicated that male NSS officers forced female detainees to have sex, offering to free them from detention if they submitted. Human Rights Watch interviewed women detained between 2015-2019, who said conditions of detention exposed them to the risk of sexual violence by NSS officers and detainees.²⁶

Human Rights Watch encourages the Committee to ask the government of South Sudan:

²⁴ Human Rights Watch “What Crime Was I Paying For? Abuses by South Sudan’s National Security Service,” December 2020, <https://www.hrw.org/report/2020/12/14/what-crime-was-i-paying/abuses-south-sudans-national-security-service>

²⁵ Ibid.

²⁶ Ibid.

- How many women are being held in detention facilities and in the national prison service, and how many of these have been charged or tried in accordance with the law?
- What measures or plans are in place to ensure women being held have adequate access to medical care including specialized care for women—such as feminine hygiene products?
- What measures have been put in place to ensure that women and girls in prisons or detention centers are not subject to neglect, torture, abuse, and gender-based violence?

Human Rights Watch recommends that the Committee asks South Sudan to:

- Improve access to justice mechanisms in South Sudan to ensure female detainees cases are handled by appropriate authorities in a prompt manner with due process rights guaranteed.

4. Protecting Students, Teachers, and Schools During Armed Conflict (Article 10)

Attacks on education continue to occur, including the use of schools by armed forces and groups, attacks on schools, attacks on students and teachers, and sexual violence at schools.

As recognized by this Committee in its General Recommendation No. 30, attacks on students and schools, and the use of schools for military purposes, disproportionately affect girls.²⁷ Girls are disproportionately affected as they are sometimes the focus of targeted attacks and are more likely to be kept out of school due to security concerns. They may also be disproportionately affected if they are targeted for sexual violence or abduction, if infrastructure such as toilets is destroyed or occupied or isn't appropriate to cater for their needs, or if they are perceived to be at risk of sexual and gender-based violence or harassment from occupiers.²⁸

Between the beginning of the conflict in December 2013 and October 2017, there were 293 reported incidents of military use and attacks on schools, affecting over 90,000 children.²⁹

In July 2018, the UN reported that 2.2 million school-aged children in South Sudan were out of school, the highest proportion globally, and that 75 percent of girls were out of school.³⁰ An estimated 3 million children aged between 3 and 17 did not have access to pre-school, primary, and secondary education in 2020, with the most severe needs reported in areas with ongoing conflict including Eastern Equatoria, Lakes and Upper Nile states.³¹

Attacks on Schools, Teachers, and Students

²⁷ UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 30, Access to Education, U.N. Doc. CEDAW/C/GC/30 (2013), para. 48.

²⁸ African Committee on the Rights and Welfare of the Child, General Comment on Article 22: Children in Situations of Conflict, (2020), para. 78.

²⁹ UNICEF, "South Sudan: The impact of the crisis on children-Briefing Note," December 2017, https://www.unicef.org/publications/files/UNICEF_Childhood_under_Attack_-_in_South_Sudan.pdf (accessed October 23, 2020), p. 5.

³⁰ UNESCO, Global Initiative on Out of School Children: South Sudan Country Study, May 2018, <http://uis.unesco.org/sites/default/files/documents/global-initiative-out-of-school-children-south-sudan-country-study.pdf> (accessed November 19, 2020), p. 21.

³¹ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "South Sudan: Humanitarian Needs Overview, 2020," November 2019, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/20191207_hno_2020_s_sudan_0.pdf (accessed November 19, 2020), p. 45.

The UN reported that one out of three schools has been damaged, destroyed, occupied, or closed since 2013.³² Insecurity is the main cause of school closures in recent years.³³ However, there were some improvements in access to education during this period: an Education Cluster Assessment published in October 2018 estimated that 80 percent of schools were functioning, an increase of 21 percent from the previous school year.³⁴

Military Use of Schools

From 2017 to 2019, state armed forces and non-state armed groups used over 100 schools and universities for military purposes, according to the Global Coalition to Protect Education from Attack (GCPEA).³⁵ In the first six months of 2018, the UN reported the military use of 35 schools for sleeping quarters and bases and a total of 85 schools vacated by armed forces or armed groups.³⁶

In 2019, GCPEA collected at least 20 reported instances of military use of schools, despite the signing of R-ARCC and reduction in hostilities.³⁷ For example, in December 2019, the South Sudan People's Defence Forces (SSPDF), the renamed army of South Sudan, occupied a primary school in Lasu for at least two months.³⁸ In January 2020, SSPDF and SPLA-IO soldiers occupied a school in Kalyak to host a unified police force.³⁹

In 2020, the United Nations verified the military use of ten schools and one hospital by the South Sudan People's Defence Forces (10) and SPLA-IO (1).⁴⁰

In June 2015, South Sudan endorsed the Safe Schools Declaration and thereby committed to refrain from using schools during military operations.⁴¹ Previously, in September 2014, the Ministry of Defense and Veteran Affairs proposed an amendment to the Sudan People's Liberation Army (SPLA) Act that stated, "every SPLA member commits an offence who occupies schools or hospitals."

Human Rights Watch recommends that the Committee asks the government of South Sudan:

- Do any South Sudanese laws, policies, or trainings provide explicit protection for schools and universities from military use during armed conflict?
- What steps are being taken to address and remedy the disproportionate harm to girls' access to education as a result of hostilities and military use of schools?

³² "3 in 4 children born in South Sudan since independence have known nothing but war – UNICEF," UNICEF press release, July 8, 2018, <https://www.unicef.ca/en/press-release/3-4-children-born-south-sudan-independence-have-known-nothing-war-unicef> (accessed November 19, 2020).

³³ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "South Sudan: Humanitarian Needs Overview, 2020," November 2019, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/20191207_hno_2020_sudan_0.pdf (accessed November 19, 2020), p. 45.

³⁴ "Education Cluster Assessment: South Sudan," Education Cluster South Sudan, October 2018, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ssecnation_wide_assessment_report-2018-10.pdf (accessed November 19, 2020).

³⁵ GCPEA, Education Under Attack 2020: A Global Study of Attacks on Schools, Universities, their Students and Staff, 2017 - 2019, South Sudan Country Profile, July 2020, <https://protectingeducation.org/publication/education-under-attack-2020/> (accessed October 20, 2020), p. 44.

³⁶ GCPEA, Education Under Attack 2020: A Global Study of Attacks on Schools, Universities, their Students and Staff, 2017 - 2019, July 2020, <https://protectingeducation.org/publication/education-under-attack-2020/> (accessed October 20, 2020), p. 44.

³⁷ Ibid., p. 108; Human Rights Watch, "South Sudan: Government Forces Abusing Civilians, June 4, 2019, <https://www.hrw.org/news/2019/06/04/south-sudan-government-forces-abusing-civilians>

³⁸ UN Security Council, "Letter dated 28 April 2020 from the Panel of Experts on South Sudan addressed to the President of the Security Council," S/2020/342, April 28, 2020, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3CF6E4FF96FF9%7D/S_2020_342.pdf (accessed November 10, 2020).

³⁹ Ibid.

⁴⁰ United Nations Secretary-General, "Children and Armed Conflict," S/2021/437, May 6, 2021.

⁴¹ GCPEA, Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed December 20, 2019).

Human Rights Watch recommends that the Committee:

- Encourage the Ministry of Defense to resubmit their proposed amendment criminalizing and prohibiting the occupation of schools and hospitals by soldiers, to the Transitional National Legislative Assembly, and urge the amendment's adoption;
- Commend South Sudan for its endorsement of the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict;
- Encourage South Sudan to continue to develop and share examples of its implementation of the Declaration's commitments with other countries that have endorsed the Safe Schools Declaration at the 2021 Fourth International Safe Schools Conference to be held in Nigeria, and with the Committee as examples of good practice in protecting students, teachers, and schools during armed conflict.

Poor Access to Mental Health Services (Articles 1, 12, and 15)

In South Sudan, women and girls with psychosocial disabilities are often shackled due to the widespread belief that mental health conditions are the result of possession by evil spirits or the devil, having sinned, displaying immoral behavior, or having a lack of faith.⁴² Women and girls with psychosocial disabilities (mental health conditions) in South Sudan lack adequate access to community-based support or mental health services, with only three practicing psychiatrists and 29 psychologists in the country, all of whom live in Juba, the capital city.⁴³

Shackling or Chaining

In South Sudan, shackling is prevalent in prisons, where people, including women, are chained and detained simply because they have a disability, even when they have committed no criminal offense. Human Rights Watch documented that "female inmates with mental disabilities in Juba prison are mostly kept in solitary confinement."⁴⁴ The UN special rapporteur on torture has noted that shackling "unequivocally amount(s) to torture even if committed by non-State actors under conditions in which the State knows or ought to know about them."⁴⁵

In other prisons across South Sudan, including Malakal Central Prison and Aweil Central Prison, conditions are no better.⁴⁶ Amnesty International similarly found that inmates with psychosocial disabilities are often left naked, chained, or held in solitary confinement.⁴⁷ According to Juan Mendez, the United Nations special rapporteur on torture, the imposition of solitary confinement "of any duration, on persons with mental disabilities is cruel, inhuman or degrading treatment."⁴⁸ He has called on governments to abolish it for prisoners with psychosocial or cognitive disabilities.

⁴² Jasmine Bauomy, "In South Sudan, Stigma and Underfunding Plague Mental Health Care," Al Jazeera, January 18, 2019, <https://www.aljazeera.com/features/2019/1/18/in-south-sudan-stigma-and-underfunding-plague-mental-health-care> (accessed June 21, 2021).

⁴³ Ibid.

⁴⁴ Human Rights Watch, *Prison is Not For Me: Arbitrary Detention in South Sudan*, June 2012, https://www.hrw.org/sites/default/files/reports/southsudan0612ForUpload_1.pdf, p. 62.

⁴⁵ UNHRC, Follow up report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his follow-up visit to the Republic of Ghana, Session 31, A/HRC/31/57/Add.2, February 25, 2015, <https://undocs.org/en/A/HRC/31/57/Add.2>, para. 72.

⁴⁶ Human Rights Watch, *Living in Chains: Shackling of People with Psychosocial Disabilities Worldwide*, October 2020, <https://www.hrw.org/report/2020/10/06/living-chains/shackling-people-psychosocial-disabilities-worldwide>, pp. 44 (citing Human Rights Watch, *Prison is Not For Me: Arbitrary Detention in South Sudan*, pp. 61-62).

⁴⁷ Amnesty International, "Our Hearts Have Gone Dark' The Mental Health Impact of South Sudan's Conflict", July 2016, <https://www.amnesty.org/download/Documents/AFR6532032016ENGLISH.PDF> (accessed December 16, 2020), p. 38, n. 5.

⁴⁸ UN General Assembly, "Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment," A/66/268, August 5, 2011, <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf> (accessed January 18, 2018).

Human Rights Watch recommends that the Committee asks the government of South Sudan:

- How does the government track how many women and girls with disabilities have been or are currently being chained or shackled in homes, institutions, or prisons?
- What concrete steps has the government taken to ensure women and girls with disabilities are not arbitrarily detained in prisons, social care institutions, or faith healing institutions, and to support their care in families and communities?

Human Rights Watch recommends that the Committee asks South Sudan to:

- Ban shackling in law and in policy.
- Develop a time-bound plan to shift progressively to voluntary community-based mental health, support, and independent living services. Create and implement a de-institutionalization policy and a time-bound action plan for de-institutionalization.
- Comprehensively investigate state and private institutions in which people with mental health conditions live, with the goal of stopping chaining and ending other abuses.